

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM SIM SPENCER,

Petitioner,

Hon. Richard Alan Enslen

v.

Case No. 1:04-CV-566

JOHN CASON,

Respondent.

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ORDER

This matter is before the Court on Petitioner William Sim Spencer's Application for a Temporary Restraining Order.

Despite being styled an application for a temporary restraining order, Petitioner simply seeks to be released on bond pending resolution of his petition for writ of habeas corpus. As the Sixth Circuit has held, to obtain release from prison pending resolution of a habeas petition, the petitioner "must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of 'some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.'" *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990); *see also*, *Greenup v. Snyder*, 57 Fed. Appx. 620, 621 (6th Cir. Jan. 23, 2003) (same). Petitioner has failed to make this exceptional showing.

THEREFORE, IT IS HEREBY ORDERED that Petitioner William Sim Spencer's Application for a Temporary Restraining Order (Dkt. No. 38) is **DENIED**.

DATED in Kalamazoo, MI:
August 22, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
UNITED STATES DISTRICT JUDGE